

25.

25. The liner according to claim 19, wherein the foam material is treated with a microencapsulation technology which can adjust to temperature changes.

26.

26. The liner according to claim 19, wherein the foam material is treated to have reversible enhanced thermal properties.--

REMARKS

Claims 1 and 7 have been amended. Claims 6, 9 and 12 have been canceled and new claims 14-26 have been added. Accordingly, claims 1-5, 7, 8, 10, 11 and 13-26 are currently pending in the application.

The Examiner has requested a new Declaration be file in order to give the full given name of the Applicant. However, the undersigned hereby confirms that the full name of the present inventor is "Baychar" with no first name or middle name or initials thereof. This is consistent with the inventor's previous patent, U.S. Patent No. 5,738,937. No separate document is believed to be necessary from the inventor to confirm this matter. The original Declaration lists the inventor's name as "Baychar" and has been signed by the inventor to support her belief that it is correct.

Claim 1 has been rejected under 35 U.S.C. §102 as being anticipated by Ogden (U.S. Patent No. 5,727,336). This rejection is traversed as follows.

Claim 1 has been amended to recite that the foam material is an open-cell foam. It is submitted that the combination recited in claim 1 patentably defines the present invention over Ogden. Ogden discloses a footwear insole in which an apertured top layer is attached to a non-woven layer and a barrier layer and/or a cushioning layer. This forms a laminate in which the non-woven layer is sandwiched between the top layer and other layers.

However, claim 1 now recites an inner fabric layer having an open-cell foam material positioned between the inner fabric layer and an outer fabric layer. The cushioning layers taught by Ogden are not open-cell.

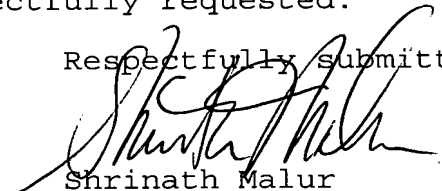
New claim 14 is identical to canceled claim 6 which was indicated as containing allowable subject matter in the Office Action. As such, claim 14 and dependent claims 15-18 should be allowed.

Claim 19 recites a liner having an inner fabric layer with a foam material positioned adjacent to the inner fabric layer. The foam material is either an open-cell foam or a reticulated foam and is backed by a non-woven top sheet. Thus, this structure is different from that of Ogden and includes different materials. Accordingly, it is submitted

that claims 19 and dependent claims 20-26 should also be allowed.

In view of the foregoing amendments and remarks, Applicants contend that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination are respectfully requested.

Respectfully submitted,


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